

AMENDED IN SENATE APRIL 1, 2008

**SENATE BILL**

**No. 1770**

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**Introduced by Senator Padilla**

**(Coauthors: Senators Kuehl and Negrete McLeod)**

(Coauthors: Assembly Members Evans and Saldana)

February 22, 2008

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An act to amend Sections ~~13778~~ 13777.2, 13778, and 13779 of, and to add Section 13519.15 to, the Penal Code, relating to anti-reproductive-rights crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1770, as amended, Padilla. Anti-reproductive-rights crime.

Existing law requires the Attorney General to assume specified duties relating to planning, information gathering, and analysis with respect to anti-reproductive-rights crimes, as defined, including consultation with specified subject matter experts. *Existing law also requires the convening of an advisory committee that is responsible for evaluating the effectiveness of existing law and that must submit a report to the Legislature on the evaluation.* Existing law requires the Commission on Peace Officer Standards and Training to develop an optional course of training for law enforcement agencies regarding anti-reproductive-rights crimes, as specified. Existing law provides for the repeal of these provisions as of January 1, 2009.

This bill would extend the date of repeal to January 1, 2014. *This bill would require the advisory committee to submit a second report to the Legislature, as specified.* This bill would *also* require the commission to prepare guidelines establishing standard procedures that may be followed by law enforcement agencies in the investigation and reporting of cases involving anti-reproductive-rights crimes. This bill would

~~require the commission to include training on anti-reproductive-rights crimes within the course of training leading to a basic certificate as well as any curriculum required for continuing training, as specified distribute, as necessary, training bulletins, via the Internet, to law enforcement agencies that participate in the anti-reproductive-rights training already offered by the commission.~~

Because the bill would impose additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13519.15 is added to the Penal Code, to  
2 read:

3 13519.15. The commission shall prepare guidelines establishing  
4 standard procedures which may be followed by law enforcement  
5 agencies in the investigation and reporting of cases involving  
6 anti-reproductive-rights crimes. In developing the guidelines, the  
7 commission shall consider recommendations 1 to 12, inclusive,  
8 14, and 15 of the report prepared by the Department of Justice and  
9 submitted to the Legislature pursuant to the Reproductive Rights  
10 Law Enforcement Act (Title 5.7 (commencing with Section  
11 13775)).

12 SEC. 2. Section 13777.2 of the Penal Code is amended to read:

13 13777.2. (a) The Commission on the Status of Women shall  
14 convene an advisory committee consisting of one person appointed  
15 by the Attorney General and one person appointed by each of the  
16 organizations named in subdivision (b) of Section 13776 that  
17 chooses to appoint a member, and any other subject matter experts  
18 the commission may appoint. The advisory committee shall elect  
19 its chair and any other officers of its choice.

(b) The advisory committee shall make ~~a report by December 31, 2007~~ *two reports, the first by December 31, 2007, and the second by December 31, 2011*, to the Committees on Health, Judiciary, and Public Safety of the Senate and Assembly, to the Attorney General, the Commission on Peace Officer Standards and Training, and the Commission on the Status of Women. The ~~report~~ *reports* shall evaluate the implementation of Chapter 899, Statutes of 2001 *and any subsequent amendments made to Title 5.7 of Chapter 4 of Part 3* and the effectiveness of the plan developed by the Attorney General pursuant to subparagraph (A) of paragraph (4) of Section 13777. The ~~report~~ *reports* shall also include recommendations concerning whether the Legislature should extend or repeal the sunset dates in Section 13779, recommendations regarding any other legislation, and recommendations for any other actions by the Attorney General, Commission on Peace Officer Standards and Training, or the Commission on the Status of Women.

(c) The Commission on the Status of Women shall transmit the ~~report~~ *reports* of the advisory committee to the appropriate committees of the Legislature, including, but not limited to, the Committees on Health, Judiciary, and Public Safety in the Senate and Assembly, and make the ~~report~~ *reports* available to the public, including by posting ~~it~~ *them* on the Commission on the Status of Women's Web site. To avoid production and distribution costs, the Commission on the Status of Women may submit the ~~report~~ *reports* electronically or as part of any other report that the Commission on the Status of Women submits to the Legislature.

(d) The Commission on Peace Officer Standards and Training shall make the telecourse that it produced in 2002 pursuant to subdivision (a) of Section 13778 available to the advisory committee. However, before providing the telecourse to the advisory committee or otherwise making it public, the commission shall remove the name and face of any person who appears in the telecourse as originally produced who informs the commission in writing that he or she has a reasonable apprehension that making the telecourse public without the removal will endanger his or her life or physical safety.

(e) Nothing in this section requires any state agency to pay for compensation, travel, or other expenses of any advisory committee member.

1     ~~SEC. 2.~~

2     ~~SEC. 3.~~ Section 13778 of the Penal Code is amended to read:

3     13778. (a) The Commission on Peace Officer Standards and  
4 Training, utilizing available resources, shall develop a two-hour  
5 telecourse on anti-reproductive-rights crimes and make the  
6 telecourse available to all California law enforcement agencies as  
7 soon as practicable after chaptering of the act that enacts this title  
8 in the 2001–2002 session of the Legislature.

9     (b) Persons and organizations, including, but not limited to,  
10 subject-matter experts, may make application to the commission,  
11 as outlined in Article 3 (commencing with Section 1051) of  
12 Division 2 of Title 11 of the California Code of Regulations, for  
13 certification of a course designed to train law enforcement officers  
14 to carry out the legislative intent expressed in paragraph (1) of  
15 subdivision (d) of Section 1 of the act that enacts this title in the  
16 2001–02 Regular Session.

17     (c) In developing the telecourse required by subdivision (a),  
18 and in considering any applications pursuant to subdivision (b),  
19 the commission, utilizing available resources, shall consult the  
20 Attorney General and other subject matter experts, except where  
21 a subject matter expert has submitted, or has an interest in, an  
22 application pursuant to subdivision (b).

23     ~~(d) The course of training leading to the basic certificate issued~~  
24 ~~by the commission as well as any curriculum prepared by the~~  
25 ~~commission related to requirements for continuing professional~~  
26 ~~training shall include adequate instruction on the reporting and~~  
27 ~~investigation requirements related to this title.~~

28     ~~(d) In addition to producing and making available the telecourse~~  
29 ~~described in subdivision (a), the commission shall distribute, as~~  
30 ~~necessary, training bulletins, via the internet, to law enforcement~~  
31 ~~agencies participating in training offered pursuant to this section.~~

32     ~~SEC. 3.~~

33     ~~SEC. 4.~~ Section 13779 of the Penal Code is amended to read:

34     13779. This title shall remain in effect until January 1, 2014,  
35 and as of that date is repealed unless a later enacted statute deletes  
36 or extends that date.

37     ~~SEC. 4.~~

38     ~~SEC. 5.~~ If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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